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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/666,173	10/666,173 09/19/2003		David H. Palmer	1-37091	7108	
43935	7590	06/03/2005		EXAMINER		
FRASER M		BUCHANAN I	HURLEY, KEVIN			
PERRYSBURG, OH 43551-1401				ART UNIT	PAPER NUMBER	
				3611		

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	X
10/666,173	PALMER, DAVID H.	
Examiner	Art Unit	
Kevin Hurley	3611	

Before the Filing of an Appeal Brief	Examiner	Art Unit						
	Kevin Hurley	3611						
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress					
THE REPLY FILED <u>06 May 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.								
The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:								
a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). In the period for reply expires 3 months from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).								
peen filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL								
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).								
AMENDMENTS								
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);								
(b) ☐ They raise the issue of new matter (see NOTE belo (c) ☐ They are not deemed to place the application in be		educing or simplifying	the issues for					
appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)).								
4. The amendments are not in compliance with 37 CFR 1.	121. See attached Notice of Non-C	ompliant Amendmen	t (PTOL-324).					
5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling								
the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.								
The status of the claim(s) is (or will be) as follows: Claim(s) allowed:								
Claim(s) objected to: Claim(s) rejected:								
Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE								
8. The affidavit or other evidence filed after a final action, b because applicant failed to provide a showing of good ar and was not earlier presented. See 37 CFR 1.116(e).								
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessa	overcome <u>all</u> rejections under appe	al and/or appellant fa	ils to provide a					
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	on of the status of the claims after	entry is below or atta	ched.					
11. The request for reconsideration has been considered by prosecution on the merits is closed and the request for								
12. Note the attached Information Disclosure Statement(s). 13. Other:		-						
		Kevin Hurley						
		Primary Examiner Art Unit: 3611						

